PLANNING AND DESIGN CODE (PHASE 3) SUBMISSION
Prepared by Heynen Planning Consultants for Tallwood Pty Ltd
27 February 2020

State Planning Commission
ATTN: Mr Michael Lennon
GPO Box 1815
ADELAIDE SA 5001

By Email (Dpti.planningreformsubmissions@sa.gov.au)

Dear Mr Lennon

RE: PHASE 3 – P&D CODE: SUBMISSION
MANNUM WATER – TALLWOOD PTY LTD

INTRODUCTION

Heynen Planning consultants have been engaged by Tallwood Pty Ltd to consider how the Draft Planning and Design Code (Phase 3) may impact the Mannum Waters development, as illustrated generally as Figure 1 below.

Figure 1: Mannum Waters Master Plan

The Mannum Waters proposal was declared a Major Development in 2005 and was the subject of an Environmental Impact Statement (EIS) process. The EIS was released for public consultation in 2006. The proposal was granted a Provisional Development Authorisation by the Governor on 30 October 2008. Construction started in June 2010, with the major earthworks, marina basin, boat ramp, constructed wetlands and initial stages of the residential land-division now completed.

The following submission considers the current authorisations pursuant to Section 48 of the Development Act 1993 for “major development” pertaining to Mannum Waters, with the aim of the submission to assist in streamlining the facilitation of the approved development to ensure the economic, social and environmental benefits can be undertaken without prejudicing Tallwood Pty Ltd.

To ensure transparency, the Mid Murray Council via postbox@mid-murray.sa.gov.au and DPTI - Major Developments via majordevadmin@sa.gov.au have been provided with a copy of this submission.

SITE HISTORY AND MAJOR DEVELOPMENT APPROVAL

On 31 March 2005 the Minister for Urban Development and Planning, being of the opinion that a proposed development of a marina and residential development at Mannum (‘the development’) was a development of major environmental, social or economic importance, directed the proponent to prepare an Environmental Impact Statement, pursuant to section 46 of the Development Act 1993.

On 6 June 2007 an Environmental Impact Statement for the development was published in accordance with section 46 of the Development Act 1993. Subsequently, the Minister prepared an Assessment Report in accordance with section 46 of the Development Act 1993.

On 30 October 2008 the Governor gave notice in the Government Gazette that pursuant to section 48 of the Development Act 1993, a provisional development authorisation was granted to the development subject to reserved matters and conditions specified in that notice. A condensed copy of the gazette notice is provided as Appendix 1.

An application for approval of the reserved matters was given consideration by the Development Assessment Commission as delegate of the Governor, under Division 2 of Part 4 of the Development Act 1993.

Via the South Australian Government Gazette Notice published on 1 April 2010 pursuant to section 48 of the Development Act 1993, the Development Assessment Commission, as delegate of the Governor to grant a provisional development authorisation in relation to the proposed Major Development under section 48 (6). A condensed copy of the gazette notice is provided as Appendix 2.

A further variation for a vacuum unit and fuel station was granted under delegation from the Governor on 7 September 2018 (Appendix 3).

Finally, via Government Gazette Notice dated 1 August 2019, the Minister has decided to vary the declaration (30 October 2018) to include recreational and tourism development (refer within Appendix 4.)

I have also been advised by Tallwood Pty Ltd that they are currently negotiating with SA Water to assist in funding the relocation and construction of a wastewater plant to enable the eastern portion of land to be constructed for residential use in accordance with Tallwood’s valid authorisations.
SUBJECT LAND AND CURRENT ZONING

For the purposes of this submission, Appendix 5 provides the current zoning of the subject land, while Appendix 6 provides the three key areas where substantive effects of the Planning and Design Code are experienced (see “clouding”). The spatial areas are herein referred to as (a) Eastern Residential Development, (b) Residential – Centre, and (c) Water park, Recreation and Tourism.

CHANGES TO PLANNING AND DESIGN CODE SOUGHT

Eastern Residential Development

The eastern portion of Mannum Waters received approval for residential allotments as part of the Major Development process however unlike the central portion of Mannum Waters, the land was not rezoned as Residential Marina (RMar) to facilitate the envisaged development.

That is, the land is currently zoned River Murray (RM) and Policy Area 8 (Floodplain Policy Area) and 10 (Primary Production Policy Area) in which dwellings are only envisaged in limited circumstances and with significant restrictions. Under the draft Planning and Design Code, the eastern land is proposed to be zoned Conservation Zone (Dwelling Subzone) for the central “waterfront” portion of the land, while the remainder is zoned Rural Zone.

By aligning the eastern portion of Mannum Waters to be zoned “General Neighbourhood”, as is currently proposed for the central portion of the residential land, Tallwood Pty Ltd will be able to undertake the development in an efficient and economic manner, subject to resolution of the concerns raised within the “Residential – Central” precinct.

Accordingly, we seek that the eastern portion of the Mannum Waters to be zoned “General Neighbourhood, subject to resolution of the concerns raised within the “Residential – Central” precinct.

Residential – Central Precinct

General Neighbourhood Zone

The central portion of Mannum Waters includes the existing residential allotments and the Central Precinct and Marina.

The zoning under the Development Plan has facilitated the construction of the approved development and has contributed to the commencement of the marina and associated works.

Under the draft Planning and Design Code, the central portion of the “residential” land is proposed to be zoned General Neighbourhood, while the narrow strip of land that includes the south-west waterway, the north-west waterway, the northern waterway, the commercial precinct, the boat ramp and the marina are to be zoned Infrastructure (Ferry and Marina Facilities).

I note that the “General Neighbourhood Zone” portion of Mannum Waters is subject to the following overlays:

- River Murray Flood Plain Overlay;
- Hazard Bushfire Protection Area (Bushfire – Urban Interface);
- Murray Darling Basin Overlay;
- Prescribed Water Resource Area; and
- Native Vegetation Overlay.

As a result, ‘minor’ building work such as carports, outbuildings, shade sails, spa pool, swimming pool, verandah, above and below ground water tanks cannot form Accepted Development.

With regards to Deemed-to-Satisfy development, all Deemed-to-Satisfy development is likewise excluded as a result of various overlays.

For a masterplanned development that gained major development status and has undergone an environmental impact assessment, this is unnecessary and overly restrictive.

Therefore, a majority of development will be Performance Assessed, noting the overlays and only a shop exceeding GLA of 1000 square metres is Restricted Development. Of concern, a high number of proposals will potentially require public notification. The Procedural Matters table is provided hereafter, with a distillation of concerns provided subsequently, followed by Table 1 (comment on design standards more generally).

In distilling each part being (a) to (e), I note the following:

(a) If the site is adjacent land to land in another zone then the application will be notified. In a zone where the primary form of development will be residential, this is unnecessary.

(b) This references another zone and appears erroneous.

(c) Development involving the creation of four or more additional dwellings triggers public notification. This is, in our view, is unnecessary in a primarily Residential Zone where dwellings are anticipated.

(d) This appears overly complicated and clarity is needed as to whether only one DTS/DPF of 2.1, 4.1, 5.1, 5.2, 6.1, 7.1, 7.2 or 8.1 need to be not satisfied or if all of DTS/DPF of 2.1, 4.1, 5.1, 5.2, 6.1, 7.1, 7.2 and 8.1 need to be not satisfied to avoid notification.

(e) Repeats (d) 4.1, and clarity on the point at which DTS 4.1 is measured is critical.
Table 1: Procedural Matters Analysis

<table>
<thead>
<tr>
<th>Outcome Criteria</th>
<th>HPC Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DTS/DPF 2.2</strong></td>
<td>Development proceeds with the following: a. site areas for allotments in the case of land division not less than: i. 300m² for detached dwellings not on a Battle-axe site/allotment or in a terrace arrangement; ii. 300m² (exclusive of the Battle-axe “handle”) for detached dwellings on a Battle-axe site/allotment; iii. 300m² for semi-detached dwellings; iv. 200m² for row dwellings or detached dwellings in a terrace arrangement. Unless otherwise specified, datum is taken as the existing ground level and is measured from the lower level building line or from a proposed ground level set back. It is an inefficient planning outcome when a proposed dwelling on an already created site will require notification if it “retrospectively” fails to achieve the minimum site area of DTS/DPF 2.1. This should be clarified or removed entirely.</td>
</tr>
</tbody>
</table>

**DTS/DPF 4.4** Building height (excluding garages, carports and outbuildings) no greater than: (a) 2 building levels and 9m; and (b) wall height that is no greater than 7m except in the case of a gable end. Clarity is required as to whether both parts of (a) need to be achieved. Likewise, the 7 metres “trigger” requires clarification, for example is this measured from existing ground level or the top of footings?

**DTS/DPF 5.3** Buildings setback from the primary street boundary: (a) 6m or more from an arterial road; and (b) 5m from any other road. DTS/DPF 5.2 provides well considered clarity on the matter and may assist in a more articulate design, subject to the below:

**DTS/DPF 5.2** The following elements can extend up to 1.5m closer to the primary street than the minimum primary street setback specified in DTS 5.1: (a) a porch or portico with at least 2 open sides; (b) a balcony; (c) a verandah with at least 3 open sides; (d) window awnings or shading features; and (e) architectural fins or blades. See above, however the inclusion of eaves and any associative structure (e.g. the notification trigger reads buildings) will ensure that an eave that protrudes 450mm forward of the 5 metre “test” does not trigger notification.

The following elements can extend up to 1.5m closer to the primary street than the minimum primary street setback specified in DTS 5.1: (a) a porch or portico with at least 2 open sides; (b) a balcony; (c) a verandah with at least 3 open sides; (d) window awnings or shading features; and (e) architectural fins or blades. Clarity is required as to whether both parts of (a) need to be achieved. Likewise, the 1.5 metres “trigger” requires clarification, for example is this measured from existing ground level or the top of footings.

**DTS/DPF 6.1** Buildings are set back at least 900m from the boundary of the allotment with the secondary street frontage. Again, this is building test, and an eave which protrudes into the 900mm secondary street setback will trigger the dwelling to require notification. The specific exclusion of eaves should be included within DTS/DPF 6.1.

**DTS/DPF 7.3** Dwelling walls on side boundaries either: a. adjoin or abut a boundary wall of a building on adjoining land for the same, or lesser length and height; or b. do not exceed: i. 3 metres in height; ii. 1.5 metres in length, and will not result in boundary walls on more than 45% of the total length of the side boundary. Clarification is required as to whether b. i. and ii. both are to be exceeded or either i. and ii. are to be exceeded to required notification. Further clarification is required as to whether the “3 metres in height” is this measured from existing ground level or the top of footings.

Likewise, is “will not result in boundary walls on more than 45% of the total length of the side boundary” to be read in isolation? If so this could be clause ii. For example

Dwelling walls on side boundaries either: a. adjoin or abut a boundary wall of a building on adjoining land for the same, or lesser length and height; or b. do not exceed: i. 3 metres in height; ii. 10 metres in length, under ill will not result in boundary walls on more than 40% of the total length of the side boundary.

**DTS/DPF 8.1** Each dwelling includes at least 3 of the following design features along each façade facing a public road or common driveway: a. a porch or portico that projects at least 1m from the building façade and is open on 2 sides; b. a balcony that projects at least 1.0m from the building façade; c. a verandah that projects at least 1m from the building façade; d. eaves surrounding the dwelling of a minimum 450mm width; e. a minimum 50% of the upper level projects forward a minimum 100mm from the lower level building line; f. a minimum of 25% of the façade is setback an additional 300mm; g. a porch or portico that projects at least 1m from the building façade and is open on 2 sides; h. a balcony that projects at least 1.0m from the building façade; i. a verandah that projects at least 1m from the building façade; j. eaves surrounding the dwelling of a minimum 450mm width; k. a minimum 50% of the upper level projects forward a minimum 100mm from the lower level building line.

**DPF 2.1** 6. Dwellings in a semi-detached, row or terrace arrangement are setback at least 900m from side boundaries shared with allotments outside the development site. Again, this is a building test, and an eave which intrudes into the 900 mm side boundary setback will trigger the dwelling to require notification. The specific exclusion of eaves should be included within DTS/DPF 7.2.

Dwellings in a semi-detached, row or terrace arrangement are setback at least 900m from side boundaries shared with allotments outside the development site, excluding eaves, a verge or any minor elements of the building.

In summary, most forms of development will be performance assessed, with excessive requirements for public notification. Accordingly, we seek for the errors noted in the Procedural Matters table should be amended to avoid uncertainty, trivial reasons for public notification and importantly not leave the relevant authority open to legal challenges based on the correct interpretation.
Infrastructure (Ferry and Marina Facilities) Zone

The draft Infrastructure (Ferry and Marina Facilities) Zone appears in principle appropriate for the range of land uses proposed by Tallwood Pty Ltd that include the following:

- Tavern (Hotel);
- Restaurant (Shop);
- General Store (Shop);
- Office Spaces (Office);
- Car Parking;
- Boat Ramp;
- Boat/Trailer Parking;
- Fuel Station;
- Casual Houseboat Mooring;
- Public Passive Recreation Areas. (Recreation area).

Again, noting the overlays, ‘minor’ building work such as shade sails, spa pool, swimming pool, verandah, above and below ground water tanks cannot be Accepted Development.

I also observe that no classes of development are classified as restricted development of which Tallwood agrees is appropriate, leaving development to be Performance Assessed.

However, of concern to Tallwood is the following table, having previously observed that the entire site of Mannum Waters is located within the River Murray Flood Plain Overlay”:

### Procedural Matters

#### Notification

All classes of performance assessed development are excluded from notification except where they involve any of the following:

(a) the site of the development is adjacent to land in a different zone that is located within the area of council

(b) development identified as “all other code assessed development” in Infrastructure (Ferry and Marina Facilities) Zone Table 3.

In considering part (a), as the Infrastructure (Ferry and Marina Facilities) Zone run predominately adjacent the General Neighbourhood Zone and Conservation Zone, proposed land uses that form part of the major development will likely require public notification. This appears unnecessary and excessive.

In reviewing (b), an Office or Shop will not require public notification (these land uses are prescribed in Table 3), however the remaining land uses including a hotel, boat ramp, public car and boat/trailer park, fuel station, casual houseboat mooring, and recreation area (all which form part of the major development) will require public notification as they are not specified in Table 3.

Once again, this is seen as inappropriate and overly complex noting that Mannum Waters has “marketed” the marina to include land uses including a hotel, boat ramp, public car and boat/trailer park, fuel station, casual houseboat mooring, and recreation area.

To not include the land uses including a hotel, boat ramp, public car and boat/trailer park, fuel station, casual houseboat mooring, and recreation area that are clearly envisaged and appropriate in the Infrastructure (Ferry and Marina Facilities) Zone can be, and should be, simply resolved by expanding Table 3 to include these uses.

Accordingly, we seek for Table 3 to be expanded to include all “envisaged” and “reasonable” land uses.

### Minor Amendment to the Zone Boundary

Tallwood Pty Ltd have advised that (a) the existing (and therefore proposed) land set aside for commercial use is excessive in size, and (b) that dwellings have recently been constructed on several allotments via the “non-complying process”.

These allotments are illustrated in Appendix 9.

In order to enable the future development of the remaining “residential proportioned” allotments of C40204 (F1 & F2) (former Lot 806), Lot 807, 808, 809 and 810 are sought by Tallwood to be zoned General Neighbourhood, not Infrastructure (Ferry and Marina Facilities) Zone and will reduce the potential for future incompatible land uses to be constructed between the recently approved and under construction dwellings.

This minor amendment to the “zone boundary” will assist in the efficient development of the remaining allotments of Lots 808 to 810 in an appropriate manner and afford Tallwood the opportunity to finalise the masterplanned “Central Precinct” (review Appendix 10) in an efficient manner.

In summary, we seek for the inclusion of a broader range of land uses to be included within Table 3 to avoid unnecessary public notification for envisaged land uses.

Furthermore, we seek for the realignment of the boundary to include C40204 (F1 & F2) (former Lot 806) Lot 807, 808, 809 and 810 as General Neighbourhood Zone to assist in ensuring that these remaining allotments are developed for residential use (subject to amending the procedural matters as previously identified).

### Water Park - Recreation and Tourism

The western portion of Mannum Waters is proposed to be utilised in accordance with Government Gazette Notice dated 1 August 2019, with the Minister announcing to vary the declaration (30 October 2018) to include Recreational and Tourism Development (refer within Appendix 4.)

It is anticipated that the Holiday Village will comprise the following elements:

- Boom gate entry;
- Reception Office, small store and Manager’s residence;
- Equipment sheds;
- 61 Cabins of various size and grade;
- 41 powered caravan/motorhome sites;
- 15 powered camping sites;
- 15 unpowered camping sites;
- Recreational hall and rooms;
- 2 Camp kitchens;

#### Water Park - Recreation and Tourism

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- 61 Cabins of various size and grade;
- 41 powered caravan/motorhome sites;
- 15 powered camping sites;
- 15 unpowered camping sites;
- Recreational hall and rooms;
- 2 Camp kitchens;
• 2 Amenities blocks;
• Laundry and drying lines;
• Playground;
• Barbecue sites;
• 2 Jetties;
• Boat ramp;
• Boat storage;
• 2 Canoe launching decks;
• Fire pit and shelters; and
• Hire craft area.

I have been advised by Tallwood Pty Ltd that the amended Environmental Impact Statement is likely to be endorsed by the Commission and the EPA shortly.

The proposed Tourism Development Zone will support the proposed uses which will largely coincide with that included by the Minister, with most of the proposed land uses appearing to warrant a Performance Assessment.

Notwithstanding the general appropriateness of the Tourism Development Zone, I note that a Caravan and Tourist Park “calls up” a comprehensive list of overlays as exclusions.

This appears erroneous, and should simply be applied to the right side “Overlay” portion of Table 3.

SUMMARY

Tallwood Pty Ltd welcomes the State Governments desire to undertake planning reform and assist in streamlining future development and appreciates the complexity of the task at hand for DPTI.

As the Planning and Design Code currently stands, unfortunately there will be many adverse effects on the ability for the developer to undertake the proposed development of Mannum Waters in an efficient and economic manner.

Likewise, future development for residential use by purchasers will trigger excessive public notification, slowing and overly complicating the process and leading to potential reviews on the assessment process.

I welcome further discussion on the following matters as raised previously including (but not limited to):

a. the removal of general terminology and subjective measures from the procedural matters tables in all zones;
b. clarification on terminology and the application of the procedural matters table to reduce the risk of legal disputes arising;
c. the removal of excessive and at times trivial public notification triggers;
d. the appropriate zoning of the eastern portion of Mannum Waters to remove future uncertainty for residential development;
e. the required amendments to the General Neighbourhood Zone to ensure excessive public notification is not mandated;
f. the minor amendment to the zone boundary to “rationalise” the residential portion of the “Central Precinct”;
g. the amendments to the Infrastructure (Ferry and Marina Facilities) Zone to include a greater range of land uses to avoid excessive “all other code assessed development”;
h. application of the public notification criteria in all zones that is not overly restrictive when located within a masterplan major development;
i. appropriate application of overlays within the Caravan and Tourist Park Zone; and
j. the appropriate zoning and required amendments to facilitate recreation and tourism development.

Yours faithfully

[Signature]

Greg Jenkins
B Urb & Reg Plan (Hons)
Heynen Planning Consultants
APPENDIX 1

THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

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ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 30 OCTOBER 2008

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Foley, MP.
2008 inclusive, during the absence of the Honourable Kevin Owen relations for the period from 1 November 2008 to 10 November Industry and Trade and Acting Minister for Federal/State Development and Planning and Minister for Small Business to be for Mineral Resources Development, Minister for Urban

section 4 of the Justices of the Peace Act 2005:

October 2008 and expiring on 29 October 2018, pursuant to South Australia for a period of 10 years commencing from 30

HIS Excellency the Governor in Executive Council has been pleased to appoint the people listed as Justices of the Peace for His Excellency the Governor in Executive Council has been pleased to appoint the Honourable Paul Holloway, MLC, Minister

Michael Anthony Ramm
Keryl Louise Howie
Trevor James Haskell
Bernadette Zimmermann

Deputy Member: (from 30 October 2008 until 29 October 2011)
Garry Wayne Powell (Deputy to Ramm)
John Edward Bruhn (Deputy to Howie)
James Richard Tappin (Deputy to Haskell)
Michael John Edwin Standing (Deputy to Zimmermann)

Presiding Member: (from 30 October 2008 until 29 October 2011)
Michael Anthony Ramm

By command,

JENNIFER RANKINE, for Premier

TF08/067CS

Department of the Premier and Cabinet Adelaide, 30 October 2008

His Excellency the Governor in Executive Council has been pleased to appoint the Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning and Minister for Small Business to be also Acting Deputy Premier, Acting Treasurer, Acting Minister for Industry and Trade and Acting Minister for Federal/State Relations for the period from 1 November 2008 to 10 November 2008 inclusive, during the absence of the Honourable Kevin Owen Foley, MP.

By command,

JENNIFER RANKINE, for Premier

TF08/072CS

Department of the Premier and Cabinet Adelaide, 30 October 2008

His Excellency the Governor in Executive Council has been pleased to appoint the people listed as Justices of the Peace for South Australia for a period of 10 years commencing from 30 October 2008 and expiring on 29 October 2018, pursuant to section 4 of the Justices of the Peace Act 2005:

Ghassan Abimolesh
Olga Aginartzis
Anthony James Beck
Bernard Eastwood
Trevor Brian Gill
Darren Wayne Harris
Glen Edwin Heaysman
Kate Patricia Melrose
Frank Michelon
John O’Rourke
Peter Pavan
Julie Katherine Roberts
Paul Anthony Rosenzweig
Rodney Lester Tyney
Neven Rex Wilson

By command,

JENNIFER RANKINE, for Premier

JPS08/045CS

CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I, JAY WEATHERILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY dedicate the Crown Land defined in The Schedule as Public Road.

The Schedule

Allotment 104 in Deposited Plan 73083, Hundred of Cadell, Cadell Irrigation Area, County of Albert, being within the Mid Murray district.


JAY WEATHERILL, Minister for Environment and Conservation

DEH 11/4027

ASSOCIATIONS INCORPORATION ACT 1985
ORDER PURSUANT TO SECTION 42 (2)

Dissolution of Association

WHEREAS the Corporate Affairs Commission (‘the Commission’), pursuant to section 42 (1) of the Associations Incorporation Act 1985 (‘the Act’) is of the opinion that the undertaking or operations of Australian Citrus Growers Incorporated (‘the Association’) being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a body corporate incorporated under the Corporations Act 2001, and whereas the Commission was on 21 October 2008, requested by the Association to transfer its undertaking to Citrus Australia Limited (ACN 130 238 792), the Commission, pursuant to section 42 (2) of the Act does hereby order that at 1 November 2008, the undertaking of Australian Citrus Growers Incorporated be transferred to Citrus Australia Limited (ACN 130 238 792). On 1 November 2008, the Association will be dissolved, the property of the Association becomes the property of Citrus Australia Limited and the rights and liabilities of the Association become the rights and liabilities of Citrus Australia Limited.


B. I. COLOQUIST, A Delegate of the Corporate Affairs Commission

DEVELOPMENT ACT 1993: SECTION 48
NOTICE BY THE GOVERNOR

Preamble

1. I have given a provisional development authorisation pursuant to section 48 of the Development Act 1993, for the Mannum Waters Marina and Residential Development by Tallwood Pty Ltd, which authorisation is published in the Gazette of 2008.

2. I wish to delegate certain of my powers under section 48 to the Development Assessment Commission and to the Minister for Urban Development and Planning.

Delegation

Pursuant to section 48 (8) of the Development Act 1993 and with the advice and consent of the Executive Council I make the following delegations:

1. I delegate to the Development Assessment Commission:

   (a) my power to assess and approve the reserved matters specified in the said provisional development authorisation (provided the essential nature of the development is not changed);

   (b) my power under section 48 (7a) to grant or permit any variation associated with the said provisional development authorisation (provided the essential nature of the development is not changed);

   (c) in relation to the said provisional development authorisation, or any variation thereof—my power to vary or revoke conditions, or to attach new conditions, under section 48 (7) (provided the essential nature of the development is not changed); and
Given under my hand at Adelaide, 30 October 2008.

30 October 2008] THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE 4949

DEVELOPMENT ACT 1993: SECTION 48

Decision by the Governor

Preamble

1. On 31 March 2005 the Minister for Urban Development and Planning gave notice in the Government Gazette that he was of the opinion that it was appropriate for the proper assessment of development of major environmental, social or economic importance and that section 46 of the Development Act 1993 applied to any development of a kind listed in Schedule 1 of that notice in the parts of the State listed in Schedule 2 of that notice.

2. A proposal from Tallwood Pty Ltd (hereafter ‘the proponent’) to develop a multi-component residential marina at Mannum, on parts of the State listed in Schedule 2 of that notice.

3. In accordance with the declaration referred to in paragraph 1 of this Preamble, the application has been under consideration under Division 2 of Part 4 of the Development Act 1993. The proposal has been the subject of an Environmental Impact Statement and an Assessment Report under sections 46 and 46B of the Development Act 1993, and is hereafter referred to as the ‘proposed Major Development’.

4. I am satisfied that an appropriate Environmental Impact Statement and an Assessment Report have been prepared in relation to the proposed Major Development, in accordance with sections 46 and 46B, Division 2 of Part 4 of the Development Act 1993, and have had regard, when considering the proposed Major Development, to all relevant matters under section 48 (5) of the Development Act 1993.

5. I have decided to grant a provisional development consent to the proposed Major Development under section 48 (6) of the Development Act 1993 whilst reserving the decision on specified matters until further assessment of the development.

6. Contemporaneously with the issuing of this Notice, I intend pursuant to section 48 (8) of the Development Act to delegate to the Development Assessment Commission amongst other things my power to assess the reserve matters and to issue a final development authorisation for the purposes of section 48 (2) (b) (i) of the Act.

Decision

PURSUANT to section 48 of the Development Act 1993 and with the advice and consent of the Executive Council, and having due regard to the matters set out in section 48 (5) and all other relevant matters, I:

(a) grant a provisional development authorisation in relation to the proposed Major Development under section 48 (6) subject to the Conditions set out in Part B below;

(b) pursuant to section 48 (6) reserve my decision on the reserved matters specified in Part A below;

(c) specify all matters relating to this provisional development authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached;

(d) if the Development Assessment Commission approves all reserved matters specified in the said provisional development authorisation, my power to grant the development authorisation required under section 48 (2) (b) (i) (provided there has been no alteration to the Environmental Impact Statement to which section 47 (2) (b) has applied).

2. I delegate to the Minister for Urban Development and Planning:

(a) my power under section 48 (2) (a) to indicate that a development authorisation will not be granted, should there be any amendment to the Environmental Impact Statement to which section 47 (2) (b) has applied; and

(b) my power to grant the development authorisation required under section 48 (2) (b) (i) if there has been any amendment to the Environmental Impact Statement to which section 47 (2) (b) has applied.

Given under my hand at Adelaide, 30 October 2008.

KEVIN SCARCE, Governor

PART A: RESERVED MATTERS

The following are the matters I have reserved for further assessment:

(a) Detailed designs, drawings and specifications for each of the following matters:

(i) Land division to create certificates of title.

(ii) Marina moorings and other marina facilities.

(iii) Public boat ramp, boat lift, hard stand, wash down, boat maintenance facilities and car park areas.

(iv) Boat refuelling facility.

(v) Navigational aids.

(vi) Pedestrian Bridge.

(b) Compliance with the Building Rules in relation to all aspects of the proposed Major Development.

(c) The arrangements for the relocation and upgrade of the Mannum Waste Water Treatment Plant to cater for the demand from the development and the Mannum Townships.

(d) The final Site Audit Report and Remediation Plan.

(e) The finalised plans, drawings and specifications for the Constructed Anabranch/Wetland System.

(f) A Land Management Agreement pursuant to section 57 of the Development Act 1993 in regard to the provision of affordable housing in the land division.

(g) A Management, Maintenance, and Monitoring Agreement between the Mid-Murray Council and the proponent.

(h) A Construction Environmental Management and Monitoring Plan (CEMMP) covering preconstruction and construction phases.

(i) An Environmental Management Implementation Plan (EMIP).

(j) An Operational Environmental Management and Monitoring Plan (OEMMP).

(k) Stormwater Management Plan.

(l) A Site Preparation, Revegetation, Hydrology and Management Plan.

(m) Compaction specifications for areas designated residential allotments, commercial development, retail development, tourist development, carparks, public boat ramp, boat hardstand and boat maintenance area.

(n) Engineering construction plans for roads, drainage, footpaths and intersections.

(o) Engineering designs for entrance channel, edge treatments, other waterway related structures, pedestrian bridge, marina moorings, public boat ramp (including associated car parking and access), boat lift, hardstand, wash-down, boat refuelling facility and boat effluent/greywater pump-out connection points.

(p) A permanent weather monitoring station.

(q) A Management Plan for the land referred to in condition 8 hereof.

PART B: CONDITIONS OF PROVISIONAL DEVELOPMENT AUTHORISATION

1. The development authorisation granted hereunder is provisional only, does not operate as a final development authorisation, and does not therefore authorise implementation of the proposed Major Development. Only an authorisation granted under section 48 (2) (b) (i) can operate to authorise implementation of the proposed Major Development, which authorisation will only be granted after the reserved matters have been assessed and approved.
1a. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed Major Development shall be undertaken in strict accordance with the following documents:

- Development application dated 28 June 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Environmental Impact Statement (Volumes 1 and 2), Mannum Waters Marina and Residential Development by Tallwood Pty Ltd dated May 2007 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Response to Submissions, Mannum Waters Marina and Residential Development by Tallwood Pty Ltd dated November 2007 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Correspondence from Tallwood Pty Ltd to Planning SA dated 1 February 2008 and 18 February 2008 containing additional information and modified plans.

2. All works and site activities shall be undertaken in accordance with an approved Construction Environmental Management Plan and an approved Environmental Management Implementation Plan.

3. Waterways shall not be flooded with water from the River Murray for a period of two years from the date of this development authorisation.

4. All contamination management or remediation works shall be undertaken in accordance with an approved Remediation Plan and to the reasonable satisfaction of the Environment Protection Authority.

5. Transport routes for the delivery of construction materials shall be selected to the reasonable satisfaction of the Mid Murray Council.

6. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.

7. Armour rock used for waterway revetments shall not be contaminated by fine sediment.

8. The proponent must maintain a 50-metre wide strip of land adjacent the river’s edge as public land.

9. The wastewater collection and treatment system shall be designed to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2004 are met, and to ensure that effluent does not overflow or escape from any drains, pipes, sumps, tanks/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collection, treatment and disposal system; except where the effluent complies with criteria in the above policy.

10. All marina moorings and waterfront residential allotments shall be connected to a vacuum sewer system.

11. The proponent shall provide underground public lighting, power supply, water supply and telephone supply to each allotment in accordance with, and to engineering design standard plans approved by the electricity, mains water and telephone public utility authorities.

12. The proponent shall ensure that all waters discharged to the River Murray are equal to, or better than, the quality of water in the River Murray at the point of discharge.

13. The land to be used for land-based allotments shall be formed to prevent stormwater flows entering into the waterways without suitable treatment.

14. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.

15. All buildings shall have a floor level above the 1956 flood level.

16. All infrastructure relating to the management of stormwater (including rainwater tanks) shall be located above the 1956 flood level and/or be designed so as not to be affected by flooding.

17. All residential allotments that are a minimum of 40 metres in length shall be constructed to have a finished slope of approximately 1:16 (3.6 degrees).

18. All residential allotments that are a minimum of 70 metres in length shall be constructed to have a finished slope of approximately 1:42 (1.4 degrees).

19. Setbacks from building envelopes to pool level shall be no less than 19 metres for all residential allotments that are a minimum of 40 metres in length and 40 metres for all residential allotments that are a minimum of 70 metres in length.

20. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

21. Riparian buffer strips shall be established by the proponent for all waterfront allotments, prior to titles being issued for residential allotments. The buffer shall be a minimum of five metres wide and be planted with suitable species of native vegetation.

22. The edges of all residential waterways shall be designed and constructed to replicate a natural river bank as far as practicable.

23. Road designs shall not affect existing natural lines in such a way as to cause flooding. All roads and drainage works shall be built according to approved designs.

24. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department for Transport, Energy and Infrastructure, prior to use of the facility for boating purposes.

25. Access systems for all floating boat moorings shall be capable of adjustment or be readily adaptable to variable river levels and all marina mooring structures shall be designed in accordance with the Australian Standard AS 3962-2001 Guidelines for Design of Marinas and AS 4997-2005 Guidelines for the Design of Maritime Structures.

26. The public boat ramp facility shall be designed in accordance with the South Australian Boating Advisory Committee’s Guidelines for Planning, Design and Construction of Boat Launching Facilities.

27. The boat refuelling area and boat effluent/greywater pump-out connection points shall be designed to meet the requirements of the Environment Protection Authority, the Department for Transport, Energy and Infrastructure and the Country Fire Service (CFS) respectively, and shall be in place prior to commencement of operation of the marina.

28. The proponent shall ensure satisfactory oil-spill and fire-fighting facilities and contingency plans, determined in consultation with responsible officers within the Department for Transport, Energy and Infrastructure and the Metropolitan Fire Service (MFS) or the Country Fire Service (CFS) (as applicable), are in place prior to commencement of operation of the marina.

29. The water contained in the marina basin shall be kept as a minimum to a quality appropriate for secondary contact recreation, public amenity and the maintenance of aquatic ecosystems, as stipulated from time to time by the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters.

30. Normal operating hours for construction activities and truck movements to and from the site shall be from 7 a.m. to 7 p.m., Monday to Saturday inclusive. Only if it is considered necessary by the proponent, shall construction be undertaken on Sundays, in which case construction hours shall be from 9 a.m. to 6 p.m.


32. Landscaping and street scaping of the site shall commence prior to the issuing of Certificates of Title for each stage of the land division, and when established shall be maintained in good health and condition at all times. A plant shall be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased. A weed control program shall also be implemented.

33. Permanent water flow and water quality monitoring stations shall be established at suitable sites within the development, to the reasonable satisfaction of the Minister for Environment and Conservation prior to the commencement of operation.
34. All water pumps within the development must be metered to the reasonable satisfaction of Minister for Environment and Conservation.

35. The Mid Murray Council shall be given seven days notice, prior to the commencement of works, and be provided with the name and contact facilities for the person responsible for co-ordinating site works by this approval.

36. A site audit report, completed by an Environmental Auditor (Contaminated Land), must be presented to all purchasers of allotments.

37. The proponent shall address the reserved matters and submit relevant documentation to the Development Assessment Commission for its approval.

PART C: NOTES TO PROPOSENT

1. In respect of the reserved matters, the following is advised to the proponent:

(a) Detailed designs, drawings and specifications for each of the following matters:
   (i) Territory to create certificates of title.
   (ii) Land division.
   (iii) Marina moorings and other marina facilities.
   (iv) Public boat ramp, boat lift, hard stand, wash down, boat maintenance facilities and car park areas.
   (v) Boat refuelling facility.
   (xi) Navigational aids.
   (xii) Pedestrian Bridge.

b) Building Rules
The proponent must obtain a Building Rules assessment and certification from either the Mid-Murray Council or a private certifier (at the proponent’s option) and forward the Development Assessment Commission all relevant certification documents as outlined in Regulation 64 of the Development Regulations 1993.

Pursuant to Development Regulation 64, the proponent is especially advised that the Mid-Murray Council or private certifier conducting a Building Rules assessment must:

- provide to the Minister for urban Development and Planning a certification in the form set out in Schedule 12A of the Development Regulations 1993 in relation to the building works in question;
- to the extent that may be relevant and appropriate:
  (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12; and
  (ii) assign a classification of the building under these regulations; and
  (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 1993 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Urban Development and Planning. The Mid Murray Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including its Conditions and Notes).

(c) Arrangements for the relocation and upgrade of the Mannum Waste Water Treatment Plant
The plans, drawings, specifications and financial arrangements for the provision of an adequate Waste Water Treatment Plant (including the disposal of reclaimed water) for the development site and the Mannum Township shall be finalised to the reasonable satisfaction of SA Water prior to their submission to the Development Assessment Commission for approval. Furthermore, the proponent and SA Water must enter a binding agreement for the relocation and upgrade of the Mannum Waste Water Treatment Plant to cater for the demand from the development and the Mannum Township and seek approval for the agreement from the Mid Murray Council, the Environment Protection Authority and the Minister for Health prior to its submission to the Development Assessment Commission for approval.

(d) Site Audit Report and Remediation Plan
These must be prepared to the satisfaction of an Environmental Auditor (Contaminated Land) and the Environment Protection Authority before submission to the Development Assessment Commission for approval. Both the auditor and the EPA will need to certify that the Remediation Plan addresses adequately any soil or groundwater contamination that could affect the development of the River Murray. The proponent is advised that additional investigations are required to assess the extent of soil and groundwater contamination at the proposed development site and to assess the potential impacts from off-site contamination on the proposed development.

(e) The finalised plans, drawings and specifications for the Constructed Anabranch/Wetland System
These must be prepared to the satisfaction of the Environment Protection Authority, the Minister for Environment and Heritage, and the Mid-Murray Council before their submission to the Development Assessment Commission for approval.

(f) A Land Management Agreement pursuant to section 57 of the Development Act 1993 in regard to the provision of affordable housing in the land division
This must be approved by the Minister for Families and Communities before its submission to the Development Assessment Commission for approval.

(g) A Management, Maintenance, and Monitoring Agreement between the Mid Murray Council and the proponent
This must be submitted to the Development Assessment Commission for approval.

(h) A Construction, Environmental Management and Monitoring Plan covering preconstruction and construction phases
A Construction Environmental Management and Monitoring Plan (CEMMP) covering both pre-construction and construction phases shall be prepared in consultation with and approved by the Environment Protection Authority, the Minister for Environment and Heritage, and the South Australian Murray Darling Basin Natural Resources Management Board before its submission to the Development Assessment Commission for approval.

(i) An Environmental Management Implementation Plan
This must be prepared in conjunction with the Environment Protection Authority and the South Australian Murray Darling Basin Natural Resources Management Board before its submission to the Development Assessment Commission for approval.

(j) An Operational Environmental Management and Monitoring Plan
This shall be approved by the Environment Protection Authority, the Mid-Murray Council, the South Australian Murray Darling Basin Natural Resources Management Board and the Minister for Environment and Heritage, prior to its submission to the Development Assessment Commission for approval.

(k) Stormwater Management Plan
A Stormwater Management Plan detailing the approach to the collection, storage, treatment and reuse of stormwater run-off for all components of the development during the operational phase of the development, shall be...
prepared to the reasonable satisfaction of the Environment Protection Authority, the Mid Murray Council before its submission to the Development Assessment Commission for approval.

(l) A Site Preparation, Revegetation, Hydrology and Management Plan for the Constructed Anabranch/Wetland System

This shall be approved by the Environment Protection Authority, the Mid-Murray Council and the Minister for Environment and Heritage prior to its submission to the Development Assessment Commission for approval.

(m) Compaction specifications for areas designated residential allotments, commercial development, retail development, tourist development, carparks, public boat ramp, boat hardstand and boat maintenance area

These shall be approved by the Mid-Murray Council before their submission to the Development Assessment Commission for approval.

(n) Engineering construction plans for roads, drainage, foot-paths and intersections

These plans shall be finalised in accordance with the requirements of the Department for Transport, Energy and Infrastructure and the Mid Murray Council prior to their submission to the Development Assessment Commission for approval. Road and drainage designs shall include water table levels, drainage inverts and pavement details.

(o) Engineering designs for entrance channel, edge treatments, other waterway related structures, pedestrian bridge, marina moorings, public boat ramp (including associated car parking and access), boat lift, hardstand, wash-down, boat refuelling facility and boat effluent/greywater pump-out connection points

A certificate from a registered engineer (certifying the soundness of the designs) shall accompany these designs on their submission to the Development Assessment Commission for approval.

(p) Permanent weather monitoring station

This station is to be installed on site to collect rainfall and evaporation data for the purposes of calculating the annual River Murray water allocation required. Its design shall be submitted to the Development Assessment Commission for approval.

(q) A Management Plan for the land referred to in condition 8 hereof

This is to be approved by the Minister for Environment and Conservation before its submission to the Development Assessment Commission for approval. This should be prepared in consultation with the Mid Murray Council, and responsible officers of the Department for Environment and Heritage, the Department of Water, Land and Biodiversity Conservation and the South Australian Murray Darling Basin Natural Resources Management Board.

2. Should the proponent wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Environmental Impact Statement and Assessment Report referred to in this provisional development authorisation. If an application for variation involves substantial changes to the proposal, it will be processed pursuant to section 47 (2) (b) of the Development Act 1993.

3. The proponent is advised that a suitable water licence and water allocation would need to be secured under the Natural Resources Management Act 2004 for the initial filling of the marina basin, waterways and the constructed anabranch/wetland system and for the on-going maintenance of water levels.


5. The following management and monitoring plans may be incorporated into the CEMMP, EMIP or OEMMP as appropriate:

- Remediation Plan.
- Soil Erosion and Drainage Management Plan.
- Stormwater Management and Monitoring Plan.
- Groundwater Monitoring and Management Plan.
- Riverine and Wetland Management and Monitoring Plan.
- Flood Management Plan.
- Site Preparation, Revegetation, Hydrology and Management Plan for the Constructed Anabranch/Wetland System.
- Revegetation Plan.
- Landscaping Plan.
- Spill Contingency Plan.
- Traffic Management Plan.
- Entrance Channel, Marina Basin and Waterways Management and Monitoring Plan.
- Wastewater Environmental Management Plan.
- Irrigation Management Plan.

6. The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the Environment Protection Act 1993:

- Earthworks Drainage: the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.
- Marinas and Boating Facilities: the conduct of:
  (a) facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any one time; or
  (b) works for the repair or maintenance of vessels with the capacity to handle five or more vessels at any one time or vessels 12 metres or more in length.
- Dredging: removing solid matter from the bed or any marine waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

It is likely that as a condition of such licences the Environment Protection Authority will require the licensee to carry out specified environmental monitoring of water quality and to make reports of the results of such monitoring to it.

7. All works associated with the rehabilitation and remediation of the site are required by law to be undertaken in accordance with section 25 (1) of the Environment Protection Act 1993 which requires that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment; the Environment Protection (Water Quality) Policy 2004; other relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993. Works should also be undertaken in accordance with the ANZEC Environmental Protection Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand, guideline Environmental Management of Oil and Spill Remediation and other relevant Environment Protection and Authorisation publications and guidelines.
8. The proponent is advised of the Duty of Care under the River Murray Act 2003, which requires that a person shall ensure that their actions do not cause harm to the River Murray.

9. The proponent is advised of the requirement under the Native Vegetation Act 1991 to obtain permission under that Act for any clearance of native vegetation or otherwise to bring itself within an exemption under that Act. Neither this development nor any development under the Aboriginal Heritage Act 1988 whereby any ‘clearance’ work, which may require permission to disturb damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to section 23 of the Aboriginal Heritage Act 1988.

10. The proponent is reminded of its obligations under the Aboriginal Heritage Act 1988 whereby any ‘cleansing’ work, which may require permission to disturb damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to section 23 of the Aboriginal Heritage Act 1988.

11. The proponent, and all agents, employees and contractors, such as construction crews, should be conversant with the laws to manage activities associated with the:

- Provision of Water and Energy Efficiency
- Environmental Protection Requirements
- Sustainability Matters
- Flood Protection Requirements
- Amenity Aspects

12. The proponent, and the Council after hand-over, should comply with the Public and Environmental Health Act 1987 in regard to the maintenance of suitable water quality within the marina basin, residential waterways, stormwater retention ponds and the constructed anabranch/wetland system to protect public health and amenity.

13. For the purposes of condition 29, it is noted that the expression ‘secondary contact recreation’ includes activities such as wading, boating and fishing in which some human contact with the water may occur, but in which the probability of bodily immersion or the intake of significant amounts of water is minimal.

14. It is recommended that the proponent approach the Mid-Murray District Council with a view to the Council enacting by-laws to manage activities associated with the:

- Entrance channel and waterways to ensure safe navigation and to protect water quality.
- Boat ramp, boat lift, hard stand and boat maintenance facilities (including car parking and access).
- Refuelling facility and boat effluent/greywater pump-out connection points.
- Residential development and reserves (including stormwater management devices and the pedestrian bridge).
- Constructed anabranch/wetland system.
- Crown land reserve along the river bank and associated wetlands and buffer zones.

15. The Mid Murray Council will need to review and amend the zoning policies in the relevant Development Plan to reflect any development approved by the Governor and for future assessment and decision-making for buildings and structures not forming part of this provisional development authorisation. In particular, policies will need to address sustainability matters (especially water and energy efficiency), environmental protection requirements, flood protection requirements and amenity aspects.

16. A common building scheme encumbrance or equivalent device for the purpose of ensuring compliance with design standards for residential and other buildings will be required at the land division stage.

17. Binding legal arrangements (e.g. easements, encumbrances, charge-back arrangements etc., as appropriate) between the proponent and allotment owners must be put in place, prior to application to the Registrar-General for the issue of new Certificates of Title, to ensure financial and management responsibilities related to the maintenance of edge treatments, the maintenance of the riparian buffer strip and the design and appearance of structures are clearly allocated. These arrangements must be to the reasonable satisfaction of the Development Assessment Commission.

18. The proponent will need to satisfy the requirements of the Mid Murray Council relating to the provision of 12.5% Open Space as part of any land division application.
APPENDIX 2

THE SOUTH AUSTRALIAN
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ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 1 APRIL 2010

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GOVERNMENT GAZETTE NOTICES

ALL poundkeepers’ and private advertisements forwarded for publication in the South Australian Government Gazette must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to Government Publishing SA so as to be received no later than 4 p.m. on the Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@dpc.sa.gov.au. Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged. The Government Gazette is available online at: www.governmentgazette.sa.gov.au
P. CAICA, Minister for Agriculture, Food and Fisheries

PURSUANT to the provisions of section 22 of the Aquaculture Act 2001, Paul Caica, Minister for Agriculture, Food and Fisheries, hereby gives notice of the grant of the following lease for the purposes of aquaculture in the waters of the state:

LA00256

Further details are available for all of the above lease granted on the PIRSA Aquaculture Public Register; which can be found at https://info.pir.sa.gov.au/aquapt/page/gui3/map.html.

P. CAICA, Minister for Agriculture, Food and Fisheries

DEVELOPMENT ACT 1993: SECTION 48

Decision by The Development Assessment Commission Under Delegation From The Governor

Preamble

1. On 31 March 2005 the Minister for Urban Development and Planning, being of the opinion that a proposed development of a marina and residential development at Mannum (‘the development’) was a development of major environmental, social or economic importance, directed the proponent to prepare an Environmental Impact Statement, pursuant to section 46 of the Development Act 1993.


3. On 30 October 2008 the Governor gave notice in the Government Gazette that pursuant to section 48 of the Development Act 1993, a provisional development authorisation was granted to the development subject to reserved matters and conditions specified in that notice.

4. An application for approval of the reserved matters has been under consideration by the Development Assessment Commission as delegate of the Governor, under Division 2 of Part 4 of the Development Act 1993.

5. The Development Assessment Commission has, in considering the application, had regard to all relevant matters under section 48 (5) of the Development Act 1993.

6. The Development Assessment Commission is satisfied there is no requirement to prepare a further or amended Environmental Impact Statement.

7. For ease of reference, the Development Assessment Commission has decided to revoke all conditions and substitute therefore the conditions contained herein.

Decision

PURSUANT to section 48 of the Development Act 1993, the Development Assessment Commission, as delegate of the Governor:

(a)  grant a provisional development authorisation in relation to the proposed Major Development under section 48 (6) subject to the Conditions set out in Part B below;

(b)  pursuant to section 48 (6) reserve a decision on the reserved matter specified in Part A below;

(c)  specify all matters relating to this provisional development authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached; and

(d)  specify for the purposes of section 48 (11) (b) the period until 30 October 2010 as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation.

PART A: RESERVED MATTERS

The following are the matters I have reserved for further assessment:

(a)  Compliance with the Building Rules in relation to all aspects of the proposed Major Development.

PART B: CONDITIONS OF PROVISIONAL DEVELOPMENT AUTHORIZATION

1. The development authorisation granted hereunder is provisional only, does not operate as a final development authorisation, and does not therefore authorise implementation of the proposed Major Development. Only an authorisation granted under section 48 (2) (b) (i) can operate to authorise implementation of the proposed Major Development, which authorisation will only be granted after the reserved matter has been assessed and approved.

1a. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed Major Development shall be undertaken in strict accordance with the following documents:

- Development application dated 28 June 2005 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Environmental Impact Statement (Volumes 1 and 2), Mannum Waters Marina and Residential Development by Tallwood Pty Ltd dated May 2007 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Response to Submissions, Mannum Waters Marina and Residential Development by Tallwood Pty Ltd dated November 2007 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Correspondence from Tallwood Pty Ltd to Planning SA dated 1 February 2008 and 18 February 2008 containing additional information and modified plans;
- Assessment Report prepared by the Minister for Urban Development and Planning dated August 2008 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Application from Tallwood Pty Ltd for approval of Reserved Matters dated 15 February 2010, including the following documents:
  (i)  Reserved Matters—Information for Assessment (dated January 2010);
  (ii)  Construction Plan—Stages 1 to 4 (dated January 2010);
  (iii)  Mid Murray Council Development Deed (undated);
  (iv)  Construction Environmental Management and Monitoring Plan (dated January 2010);
  (v)  Environmental Management Implementation Plan (dated July 2009);
  (vi)  Operational Environmental Management and Monitoring Plan (dated January 2010);
  (vii) Geotechnical Report—Geotechnical Investigation, Mannum Waters Marina Development (dated 30 September 2009);
  (viii) Environmental Site Assessment—Phase 1, ‘Mannum Waters’ Site (dated 12 October 2007);
  (ix)  Environmental Site Assessment—Phase 2, Proposed Mannum Water Development (dated 28 July 2009);
  (x)  Environmental Site Assessment—Phase 2, SA Water Site (dated 15 December 2009);
  (xi)  Site Preparation, Revegetation, Hydrology and Management Plan for the Constructed Anabranch Wetland and Ephemeral Wetland System (dated January 2010);
  (xii) Soil Erosion and Drainage Management Plan (dated January 2010);
  (xiii) Stormwater Management and Monitoring Plan (dated January 2010);
  (xiv) Revegetation Plan (dated January 2010);
  (xv) Revegetation Management Plan (dated January 2010);
10. The proponent must maintain a 50 m wide strip of land contaminated by fine sediment.

11. The wastewater collection and treatment system shall be adjacent the river's edge as public land.

12. All marina moorings shall be connected to a vacuum sewer system.

13. The proponent shall provide underground public lighting, power supply, water supply and telephone supply to each allotment in accordance with and to engineering design standard plans approved by the electricity, mains water and telephone public utility authorities.

14. The proponent shall ensure that all waters discharged to the River Murray are equal to, or better than, the quality of water in the River Murray at the point of discharge.

15. The land to be used for land-based allotments shall be formed to prevent stormwater flows entering into the waterways without suitable treatment.

16. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.

17. All buildings shall have a floor level above the 1956 flood level.

18. All infrastructure relating to the management of stormwater (including rainwater tanks) shall be located above the 1956 flood level and/or be designed so as not to be affected by flooding.

19. All residential allotments that are a minimum of 40 m in length shall be constructed to have a finished slope of approximately 1:16 (3.6 degrees).

20. All residential allotments that are a minimum of 70 m in length shall be constructed to have a finished slope of approximately 1:42 (1.4 degrees).

21. Setbacks from building envelopes to pool level shall be no less than 19 m for all residential allotments that are a minimum of 40 m in length and 40 m for all residential allotments that are a minimum of 70 m in length.

22. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

23. Riparian buffer strips shall be established by the proponent for all waterfront allotments, prior to titles being issued for residential allotments. The buffer shall be a minimum of 5 m wide and be planted with suitable species of native vegetation.

24. The edges of all residential waterways shall be designed and constructed to replicate a natural river bank as far as practicable.

25. Road designs shall not affect existing natural lines in such a way as to cause flooding. All roads and drainage works shall be built according to approved designs.

26. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department of Transport, Energy & Infrastructure, prior to use of the facility for boating purposes.

27. Access systems for all floating boat moorings shall be capable of adjustment or be readily adaptable to variable river levels and all marina mooring structures shall be designed in accordance with the Australian Standard AS 3962 -2001 Guidelines for Design of Marinas and AS 4997-2005 Guidelines for the Design of Maritime Structures.

28. The public boat ramp facility shall be designed in accordance with the South Australian Boating Advisory Committee’s Guidelines for Planning, Design and Construction of Boat Launching Facilities.

29. The boat refuelling area and boat effluent/greywater pump-out connection points shall be designed to meet the requirements of the Environment Protection Authority, the Department for Transport, Energy & Infrastructure and the Country Fire Service (CFS) respectively, and shall be in place prior to commencement of operation of the marina.

30. The proponent shall ensure satisfactory oil-spill and firefighting facilities and contingency plans, determined in consultation with responsible officers within the Department for Transport, Energy & Infrastructure and the Metropolitan Fire Service (MFS) or the Country Fire Service (CFS) (as applicable), are in place prior to commencement of operation of the marina.

31. The water contained in the marina basin shall be kept as a minimum to a quality appropriate for secondary contact recreation, public amenity and the maintenance of aquatic ecosystems, as stipulated from time to time by the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters.

32. Normal operating hours for construction activities and truck movements to and from the site shall be from 7 a.m. to 7 p.m., Monday to Saturday inclusive. Only if it is considered necessary by the proponent, shall construction be undertaken on Sundays, in which case construction hours shall be from 9 a.m. to 6 p.m.
33. The Environment Protection (Noise) Policy 2007 shall be complied with during construction activities and truck movements.

34. Landscaping and street scaping of the site shall commence prior to the issuing of Certificates of Title for each stage of the land division when established shall be maintained in good health and condition at all times. A plant shall be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased. A weed control program shall also be implemented.

35. Permanent water flow and water quality monitoring stations shall be established at suitable sites within the development, to the reasonable satisfaction of the Minister for Environment and Conservation prior to the commencement of operation.

36. All water pumps within the development must be metered to the reasonable satisfaction of Minister for Environment and Conservation.

37. The Mid Murray Council shall be given seven days notice, prior to the commencement of any works, and be provided with the name and contact facilities for the person responsible for coordinating site works by this approval.

38. A site audit report, completed by an Environmental Auditor (Contaminated Land), must be presented to all purchasers of allotments.

39. A Management Plan must be prepared for the Crown Reserve north of the entrance channel, in consultation with the Mid Murray Council, and responsible officers of the Department for Environment and Heritage, the Department of Water, Land and Biodiversity Conservation and the South Australian Murray Darling Basin Natural Resources Management Board, prior to the transfer of land to the Mid Murray Council.

40. The proponent shall address the reserved matter and submit relevant documentation to the Development Assessment Commission for its approval.

PART C: NOTES TO PROPOSENT

1. In respect of the reserved matter, the following is advised to the proponent:

(a) Building Rules

The proponent must obtain a Building Rules assessment and certification from either the Mid-Murray Council or a private certifier (at the proponent’s option) and forward to the Development Assessment Commission all relevant certification documents as outlined in Regulation 64 of the Development Regulations 2008.

Pursuant to Development Regulation 64, the proponent is especially advised that the Mid-Murray Council or private certifier conducting a Building Rules assessment must:

- provide to the Minister for urban Development and Planning a certification in the form set out in Schedule 12A of the Development Regulations 2008 in relation to the building works in question; and
- to the extent that may be relevant and appropriate:
  (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
  (ii) assign a classification of the building under these regulations; and
  (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 2008 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Urban Development & Planning. The Mid Murray Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including its Conditions and Notes).

2. Should the proponent wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Environmental Impact Statement and Assessment Report referred to in this provisional development authorisation. If an application for variation involves substantial changes to the proposal, it will be processed pursuant to section 47 (2) (b) of the Development Act 1993.

3. The proponent is advised that a suitable water licence and water allocation would need to be secured under the Natural Resources Management Act 2004 for the initial filling of the marina basin, waterways and the constructed anabranch/wetland system and for the on-going maintenance of water levels.

4. The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the Environment Protection Act 1993:

- Earthworks Drainage: the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.
- Marinas and Boating Facilities: the conduct of:
  (a) facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any one time; or
  (b) works for the repair or maintenance of vessels with the capacity to handle five or more vessels at any one time or vessels 12 m or more in length.
- Dredging: removing solid matter from the bed or any marine waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

It is likely that as a condition of such licences the Environment Protection Authority will require the licensee to carry out specified environmental monitoring of water quality and to make reports of the results of such monitoring to it.

5. All works associated with the rehabilitation and remediation of the site are required by law to be undertaken in accordance with section 25 (1) of the Environment Protection Act 1993 which requires that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment; the Environment Protection (Water Quality) Policy 2003; other relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993. Works should also be undertaken in accordance with the ANZECC Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas, Marinas and Boat Harbours in Australia and New Zealand, guideline Environmental Management of On-Site Remediation and other relevant Environment Protection and Authorisation publications and guidelines.

6. The proponent is advised of the Duty of Care under the River Murray Act 2003, which requires that a person shall ensure that their actions do not cause harm to the River Murray.

7. The proponent is advised of the requirement under the Native Vegetation Act 1991 to obtain permission under that Act for any clearance of native vegetation or otherwise to bring itself within an exemption under that Act. Neither this development authorisation nor any final development authorisation granted under section 48 (2) (b) (i) of the Development Act 1993 operates as an authorisation to clear native vegetation.

8. The proponent is reminded of its obligations under the Aboriginal Heritage Act 1988 whereby any ‘clearance’ work, which may require permission to disturb damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to section 23 of the Aboriginal Heritage Act 1988.
9. The proponent, and all agents, employees and contractors, such as construction crews, should be conversant with the provisions of the Aboriginal Heritage Act 1988, particularly the requirement to immediately contact the Department of Premier & Cabinet (Aboriginal Affairs and Reconciliation) in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

10. The proponent, and the Council after hand-over, should comply with the Public and Environmental Health Act 1987 in regard to the maintenance of suitable water quality within the marina basin, residential waterways, stormwater retention ponds and the constructed anabranch/wetland system to protect public health and amenity.

11. For the purposes of condition 31, it is noted that the expression ‘secondary contact recreation’ includes activities such as wading, boating and fishing in which some human contact with the water may occur, but in which the probability of bodily immersion or the intake of significant amounts of water is minimal.

12. It is recommended that the proponent approach the Mid-Murray District Council with a view to the Council enacting by-laws to manage activities associated with the:
   • Entrance channel and waterways to ensure safe navigation and to protect water quality.
   • Boat ramp, boat lift and boat maintenance facilities (including car parking and access).
   • Refuelling facility and boat effluent/greywater pump-out connection points.
   • Residential development and reserves (including stormwater management devices and the pedestrian bridge).
   • Constructed anabranch/wetland system.
   • Crown land reserve along the river bank and associated wetlands and buffer zones.

13. The Mid Murray Council will need to review and amend the zoning policies in the relevant Development Plan to reflect any development approved by the Governor and for future assessment and decision-making for buildings and structures not forming part of this provisional development authorisation. In particular, policies will need to address sustainability matters (especially water and energy efficiency), environmental protection requirements, flood protection requirements and amenity aspects.

14. A common building scheme encumbrance or equivalent device for the purpose of ensuring compliance with design standards for residential and other buildings will be required at the land division stage.

15. Binding legal arrangements (e.g. easements, encumbrances, charge-back arrangements etc, as appropriate) between the proponent and allotment owners must be put in place, prior to application to the Registrar General for the issue of New Certificates of Title, to ensure financial and management responsibilities related to the maintenance of edge treatments, the maintenance of the riparian buffer strip and the design and appearance of structures are clearly allocated. These arrangements must be to the reasonable satisfaction of the Development Assessment Commission.

16. The proponent will need to satisfy the requirements of the Mid Murray Council relating to the provision of 12.5% Open Space as part of any land division application.

17. The Marina Owner’s Charter and House Owner’s Charter documents should be finalised to the satisfaction of Planning SA, prior to application to the Registrar General for the issue of new Certificates of Title. The relevant Charters should be presented to purchasers of marina berths or allotments.

18. Approvals from the Environment Protection Authority and the Department of Health would need to be sought for the Waste Water Treatment Plant and the use of reclaimed water for irrigation purposes. An Environmental Management Plan for Wastewater and an Irrigation Plan would be required.

19. The Minister has a specific power to require testing, monitoring and auditing under section 48C of the Development Act 1993.

20. It is noted that the provisional development authorisation granted herein does not apply to any residential, commercial, retail, tourist-related or other buildings, for which a separate application for approval, addressed to Council, will be required. Additional design and infrastructure/service plans will be required by Council when application is made for approval for any such buildings.

Dated 25 March 2010.

T. BYRT, Presiding Member, Development Assessment Commission

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**DOG FENCE ACT 1946**

**Statement of Receipts and Payments**

PURSUANT to the provision of section 34 (2) of the Dog Fence Act 1946, the Dog Fence Board hereby publishes a copy of the receipts and payments for the financial year 2008-2009.

<table>
<thead>
<tr>
<th>Cash Flows from Operating Activities</th>
<th>2009 Inflows (Outflows) $’000</th>
<th>2008 Inflows (Outflows) $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Inflows</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates and levies received</td>
<td>441</td>
<td>437</td>
</tr>
<tr>
<td>Interest received</td>
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<td>22</td>
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<tr>
<td>Other receipts</td>
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<td>6</td>
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<tr>
<td>Cash generated in operations</td>
<td>481</td>
<td>465</td>
</tr>
<tr>
<td>Cash Outflows</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subsidies paid</td>
<td>(656)</td>
<td>(556)</td>
</tr>
<tr>
<td>Payments to employees</td>
<td>(146)</td>
<td>(136)</td>
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<tr>
<td>Fence maintenance</td>
<td>(80)</td>
<td>(32)</td>
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<tr>
<td>Hire of motor vehicles</td>
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<td>(14)</td>
</tr>
<tr>
<td>Other expenses</td>
<td>(48)</td>
<td>(65)</td>
</tr>
<tr>
<td>Cash used in operations</td>
<td>(958)</td>
<td>(803)</td>
</tr>
</tbody>
</table>

**Cash Flows from SA Government**

| Receipts from SA Government | 438 | 441 |
| Cash generated from SA Government | 438 | 441 |
| Net Cash provided by (used in) operating activities | (39) | 103 |
| Net increase (decrease) in cash and cash equivalents | (39) | 103 |
| Cash and cash equivalents at the beginning of the period | 207 | 104 |
| Cash and cash equivalents at the end of the period | 168 | 207 |

M. J. BALHARRY, Executive Officer, Dog Fence Board
DEVELOPMENT ACT 1993: SECTION 48

DECISION BY THE STATE COMMISSION ASSESSMENT PANEL
UNDER DELEGATION FROM THE GOVERNOR

Preamble

1. On 30 October 2008 notice of the Governor’s decision to grant a provisional development authorisation under section 48 of the Development Act 1993, in respect of the construction of the ‘Mannum Waters’ residential marina development (Major Development) at Mannum, was published in the South Australian Government Gazette at p 4948.

2. Simultaneously, the Governor delegated his power to grant a variation to the residential marina development authorisation to the Development Assessment Commission (now the State Commission Assessment Panel) pursuant to Section 48(8) of the Development Act 1993.

3. Variations to the development authorisation were notified in the Gazette on 17 March 2011 at p 776 (variation to the layout plan for the commercial area and the boat maintenance area), on 30 June 2011 at p 2758 (variations to the layout plan for an additional stormwater detention basin, replacement of a road bridge with a pedestrian/cycle bridge and a modified layout of roads, waterway and residential allotments) and on 27 February 2014 at p 1134 (expansion of the commercial houseboat mooring area, the deletion of a bridge, the relocation of the public boat ramp, the relocation of the southern exit to/entrance from the River Murray and an expansion/reconfiguration of the constructed wetlands).

4. By letter dated 22 August 2018 Tallwood Pty Ltd, being the beneficiary of the development authorisation, sought a variation to the authorisation so as to permit the replacement of the vacuum sewer system for the marina facility with a mobile vacuum unit system. A variation was also sought for a boat refueling facility to be relocated adjacent the boat ramp.

5. The Development Assessment Commission has, in considering the application, had regard to all relevant matters under section 48(5) of the Development Act 1993.

6. The Development Assessment Commission is satisfied there is no requirement to prepare a further or amended Environmental Impact Statement.

7. For ease of reference the conditions attached to the “Mannum Waters” residential marina provisional development authorisation are republished in full hereunder, with the only changes being the addition of a reference to the variation application (and associated plans) to condition 1a.

Decision

Pursuant to Section 48 (7) (b) (ii) of the Development Act 1993, and having due regard to the matters set out in Section 48 (5) and all other relevant matters, the State Commission Assessment
Panel exercising the power of the Governor delegated by notice in the South Australian Government Gazette dated 30 October 2008 pursuant to Section 48 (8), varies the ‘Mannum Waters’ residential marina development authorisation dated 27 February 2014, in accordance with the following:

**PART A: RESERVED MATTER**

The following matter I have reserved for further assessment:-

(a) Compliance with the Building Rules in relation to all aspects of the Major Development.

**PART B: CONDITIONS OF PROVISIONAL DEVELOPMENT AUTHORISATION**

1. The development authorisation granted hereunder is provisional only, does not operate as a final development authorisation, and does not therefore authorise implementation of the Major Development. Only an authorisation granted under section 48(2)(b)(i) can operate to authorise implementation of the Major Development, which authorisation will only be granted after the reserved matter has been assessed and approved.

1a. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the Major Development shall be undertaken in strict accordance with the following documents:

- Development application dated 28 June 2005 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Environmental Impact Statement (Volumes 1 & 2), Mannum Waters Marina and Residential Development by Tallwood Pty Ltd dated May 2007 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Response to Submissions, Mannum Waters Marina and Residential Development by Tallwood Pty Ltd dated November 2007 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Correspondence from Tallwood Pty Ltd to Planning SA dated 1 February 2008 and 18 February 2008 containing additional information and modified plans (except to the extent that it may be varied by a subsequent document in this paragraph);
- Assessment Report prepared by the Minister for Urban Development and Planning dated August 2008 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Application from Tallwood Pty Ltd for approval of Reserved Matters dated 15 February 2010, including the following documents (except to the extent that it may be varied by a subsequent document in this paragraph):
  
  (i) Reserved Matters – Information for Assessment (dated January 2010);
  (ii) Construction Plan – Stages 1 to 4 (dated January 2010);
  (iii) Mid Murray Council Development Deed (undated);
  (iv) Construction Environmental Management and Monitoring Plan (dated January 2010);

Application from Tallwood Pty Ltd for approval of minor variations to the layout plan dated 24 February 2011 (except to the extent that it may be varied by a subsequent document in this paragraph);

Application from Tallwood Pty Ltd for approval of minor variations to the layout plan dated 28 March 2011 and 14 June 2011 and the following plans (except to the extent that it may be varied by a subsequent document in this paragraph):

(i) Proposed Plan of Division, prepared by Weber Frankiw and Associates Pty Ltd, dated 25 May 2011;

Application from Tallwood Pty Ltd for approval of minor variations to the layout plan dated 9 September 2013 (except to the extent that it may be varied by a subsequent document in this paragraph); and
Application from Tallwood Pty Ltd for approval of a variation to the marina sewer system and the boat refuelling facility, including the following documents:

(i) Letter from Tallwood Pty Ltd to the Department of Planning, Transport and Infrastructure dated 22 August 2018; and

2. Subject to Condition 3, no building works on any part of the development shall commence until a favourable decision has been notified to the applicant by the Governor or the Governor’s delegate in respect of the reserved matter referred to in Part A paragraph (a) of the Decision section above.

3. The applicant may commence a stage of building works without the Governor or his delegate having granted a development authorisation in respect of the reserved matter, if the Governor or his delegate has notified the applicant in writing that that particular stage complies with the building rules.

4. All works and site activities shall be undertaken in accordance with an approved Construction Environmental Management and Monitoring Plan and an approved Environmental Management Implementation Plan.

5. Waterways shall not be flooded with water from the River Murray for a period of two years from the date of 30 October 2008.

6. All contamination management or remediation works shall be undertaken in accordance with an approved Site Contamination Audit Report and Remediation Plan and to the reasonable satisfaction of the Environment Protection Authority.

7. Transport routes for the delivery of construction materials shall be selected to the reasonable satisfaction of the Mid Murray Council.

8. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.

9. Armour rock used for waterway revetments shall not be contaminated by fine sediment.

10. The proponent must maintain a 50-metre wide strip of land adjacent the river’s edge as public land.

11. The wastewater collection and treatment system shall be designed to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2003 are met, and to ensure that effluent does not overflow or escape from any drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collection, treatment and disposal system; except where the effluent complies with criteria in the above policy.

12. All marina moorings shall be connected to a vacuum sewer system.

13. The proponent shall provide underground public lighting, power supply, water supply and telephone supply to each allotment in accordance with, and to engineering design standard plans approved by the electricity, mains water and telephone public utility authorities.
14. The proponent shall ensure that all waters discharged to the River Murray are equal to, or better than, the quality of water in the River Murray at the point of discharge.

15. The land to be used for land-based allotments shall be formed to prevent stormwater flows entering into the waterways without suitable treatment.

16. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.

17. All buildings shall have a floor level above the 1956 flood level.

18. All infrastructure relating to the management of stormwater (including rainwater tanks) shall be located above the 1956 flood level and/or be designed so as not to be affected by flooding.

19. All residential allotments that are a minimum of 40 metres in length shall be constructed to have a finished slope of approximately 1:16 (3.6 degrees).

20. All residential allotments that are a minimum of 70 metres in length shall be constructed to have a finished slope of approximately 1:42 (1.4 degrees).

21. Setbacks from building envelopes to pool level shall be no less than 19 metres for all residential allotments that are a minimum of 40 metres in length and 40 metres for all residential allotments that are a minimum of 70 metres in length.

22. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

23. Riparian buffer strips shall be established by the proponent for all waterfront allotments, prior to titles being issued for residential allotments. The buffer shall be a minimum of five metres wide and be planted with suitable species of native vegetation.

24. The edges of all residential waterways shall be designed and constructed to replicate a natural river bank as far as practicable.

25. Road designs shall not affect existing natural lines in such a way as to cause flooding. All roads and drainage works shall be built according to approved designs.

26. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department of Transport, Energy & Infrastructure, prior to use of the facility for boating purposes.

27. Access systems for all floating boat moorings shall be capable of adjustment or be readily adaptable to variable river levels and all marina mooring structures shall be designed in accordance with the Australian Standard AS 3962-2001 Guidelines for Design of Marinas and AS 4997-2005 Guidelines for the Design of Maritime Structures.

28. The public boat ramp facility shall be designed in accordance with the South Australian Boating Advisory Committee’s Guidelines for Planning, Design and Construction of Boat Launching Facilities.

29. The boat refuelling area and boat effluent/greywater pump-out connection points shall be designed to meet the requirements of the Environment Protection Authority, the Department for Transport, Energy & Infrastructure and the Country Fire Service (CFS) respectively, and shall be in place prior to commencement of operation of the marina.
30. The proponent shall ensure satisfactory oil-spill and fire-fighting facilities and contingency plans, determined in consultation with responsible officers within the Department for Transport, Energy & Infrastructure and the Metropolitan Fire Service (MFS) or the Country Fire Service (CFS) (as applicable), are in place prior to commencement of operation of the marina.

31. The water contained in the marina basin shall be kept as a minimum to a quality appropriate for secondary contact recreation, public amenity and the maintenance of aquatic ecosystems, as stipulated from time to time by the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters.

32. Normal operating hours for construction activities and truck movements to and from the site shall be from 7.00am to 7pm, Monday to Saturday inclusive. Only if it is considered necessary by the proponent, shall construction be undertaken on Sundays, in which case construction hours shall be from 9.00 am to 6.00pm.

33. The Environment Protection (Noise) Policy 2007 shall be complied with during construction activities and truck movements.

34. Landscaping and street scaping of the site shall commence prior to the issuing of Certificates of Title for each stage of the land division, and when established shall be maintained in good health and condition at all times. A plant shall be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased. A weed control program shall also be implemented.

35. Permanent water flow and water quality monitoring stations shall be established at suitable sites within the development, to the reasonable satisfaction of the Minister for Environment and Conservation prior to the commencement of operation.

36. All water pumps within the development must be metered to the reasonable satisfaction of Minister for Environment and Conservation.

37. The Mid Murray Council shall be given seven days notice, prior to the commencement of works, and be provided with the name and contact facilities for the person responsible for co-ordinating site works by this approval.

38. A site audit report, completed by an Environmental Auditor (Contaminated Land), must be presented to all purchasers of allotments.

39. A Management Plan must be prepared for the Crown Reserve north of the entrance channel, in consultation with the Mid Murray Council, and responsible officers of the Department for Environment and Heritage, the Department of Water, Land and Biodiversity Conservation and the South Australian Murray Darling Basin Natural Resources Management Board, prior to the transfer of land to the Mid Murray Council.

40. The final design of the southern waterway exit to/entrance from the River Murray must be prepared in consultation with the Mid Murray Council, the Environment Protection Authority and the Department of Environment, Water and Natural Resources, and be finalised to the reasonable satisfaction of the Department of Planning, Transport and Infrastructure.

41. The proponent shall address the reserved matter and submit relevant documentation to the Development Assessment Commission for its approval.
PART C: NOTES TO PROPOONENT

1. In respect of the reserved matter, the following is advised to the proponent:-

   \textit{(a) Building Rules}

   The proponent must obtain a Building Rules assessment and certification from either
   the Mid-Murray Council or a private certifier (at the proponent’s option) and forward
   to the Development Assessment Commission all relevant certification documents as
   outlined in Regulation 64 of the \textit{Development Regulations 2008}.

   Pursuant to Development Regulation 64, the proponent is especially advised that the
   Mid Murray Council or private certifier conducting a Building Rules assessment
   must-

   \begin{itemize}
   \item provide to the Minister for urban Development and Planning a certification in
       the form set out in Schedule 12A of the \textit{Development Regulations 2008} in
       relation to the building works in question; and
   \item to the extent that may be relevant and appropriate-
       \begin{itemize}
       \item (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12; and
       \item (ii) assign a classification of the building under these regulations; and
       \item (iii) ensure that the appropriate levy has been paid under the \textit{Construction Industry
           Training Fund 1993}.
       \end{itemize}
   \end{itemize}

   Regulation 64 of the \textit{Development Regulations 2008} provides further information
   about the type and quantity of all Building Rules certification documentation for
   Major Developments required for referral to the Minister for Urban Development &
   Planning. The Mid Murray Council or private certifier undertaking Building Rules
   assessments must ensure that the assessment and certification are consistent with this
   provisional development authorisation (including its Conditions and Notes).

2. Should the proponent wish to vary the Major Development or any of the components
   of the Major Development, an application may be submitted, provided that the
   development application variation remains within the ambit of the Environmental
   Impact Statement and Assessment Report referred to in this provisional development
   authorisation. If an application for variation involves substantial changes to the
   proposal, it will be processed pursuant to section 47(2)(b) of the \textit{Development Act
   1993}.

3. The proponent is advised that a suitable water licence and water allocation would need
   to be secured under the \textit{Natural Resources Management Act 2004} for the initial filling
   of the marina basin, waterways and the constructed anabranch/wetland system and for
   the on-going maintenance of water levels.

4. The following activities in relation to the components of the development hereby
   approved and/or requiring future approval will require licences under the \textit{Environment
   Protection Act 1993}:
Earthworks Drainage: the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.

Marinas and Boating Facilities: the conduct of-

(a) facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any one time; or

(b) works for the repair or maintenance of vessels with the capacity to handle five or more vessels at any one time or vessels 12 metres or more in length.

Dredging: removing solid matter from the bed or any marine waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

It is likely that as a condition of such licences the Environment Protection Authority will require the licensee to carry out specified environmental monitoring of water quality and to make reports of the results of such monitoring to it.

5. All works associated with the rehabilitation and remediation of the site are required by law to be undertaken in accordance with section 25(1) of the Environment Protection Act 1993 which requires that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment; the Environment Protection (Water Quality) Policy 2003; other relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993. Works should also be undertaken in accordance with the ANZECC Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand, guideline Environmental Management of On-Site Remediation and other relevant Environment Protection and Authorisation publications and guidelines.

6. The proponent is advised of the Duty of Care under the River Murray Act 2003, which requires that a person shall ensure that their actions do not cause harm to the River Murray.

7. The proponent is advised of the requirement under the Native Vegetation Act 1991 to obtain permission under that Act for any clearance of native vegetation or otherwise to bring itself within an exemption under that Act. Neither this development authorisation nor any final development authorisation granted under section 48(2)(b)(i) of the Development Act 1993 operates as an authorisation to clear native vegetation.

8. The proponent is reminded of its obligations under the Aboriginal Heritage Act 1988 whereby any ‘clearance’ work, which may require permission to disturb damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to section 23 of the Aboriginal Heritage Act 1988.

9. The proponent, and all agents, employees and contractors, such as construction crews, should be conversant with the provisions of the Aboriginal Heritage Act 1988, particularly the requirement to immediately contact the Department of Premier &
Cabinet (Aboriginal Affairs and Reconciliation) in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

10. The proponent, and the Council after hand-over, should comply with the *Public and Environmental Health Act 1987* in regard to the maintenance of suitable water quality within the marina basin, residential waterways, stormwater retention ponds and the constructed anabranch/wetland system to protect public health and amenity.

11. For the purposes of condition 31, it is noted that the expression ‘secondary contact recreation’ includes activities such as wading, boating and fishing in which some human contact with the water may occur, but in which the probability of bodily immersion or the intake of significant amounts of water is minimal.

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- Entrance channel and waterways to ensure safe navigation and to protect water quality
- Boat ramp, boat lift and boat maintenance facilities (including car parking and access)
- Refuelling facility and boat effluent/greywater pump-out connection points
- Residential development and reserves (including stormwater management devices and the pedestrian bridge)
- Constructed anabranch/wetland system
- Crown land reserve along the river bank and associated wetlands and buffer zones

13. The Mid Murray Council will need to review and amend the zoning policies in the relevant Development Plan to reflect any development approved by the Governor and for future assessment and decision-making for buildings and structures not forming part of this provisional development authorisation. In particular, policies will need to address sustainability matters (especially water and energy efficiency), environmental protection requirements, flood protection requirements and amenity aspects.

14. A common building scheme encumbrance or equivalent device for the purpose of ensuring compliance with design standards for residential and other buildings will be required at the land division stage.

15. Binding legal arrangements (e.g. easements, encumbrances, charge-back arrangements etc, as appropriate) between the proponent and allotment owners must be put in place, prior to application to the Registrar General for the issue of new Certificates of Title, to ensure financial and management responsibilities related to the maintenance of edge treatments, the maintenance of the riparian buffer strip and the design and appearance of structures are clearly allocated. These arrangements must be to the reasonable satisfaction of the Development Assessment Commission.

16. The proponent will need to satisfy the requirements of the Mid Murray Council relating to the provision of 12.5% Open Space as part of any land division application.

17. The Marina Owner’s Charter and House Owner’s Charter documents should be finalised to the satisfaction of Planning SA, prior to application to the Registrar General for the issue of new Certificates of Title. The relevant Charters should be presented to purchasers of marina berths or allotments.

18. Approvals from the Environment Protection Authority and the Department of Health would need to be sought for the Waste Water Treatment Plant and the use of reclaimed
water for irrigation purposes. An Environmental Management Plan for Wastewater and an Irrigation Plan would be required.

19. The Minister has a specific power to require testing, monitoring and auditing under section 48C of the Development Act 1993.

20. It is noted that the provisional development authorisation granted herein does not apply to any residential, commercial, retail, tourist-related or other buildings, for which a separate application for approval, addressed to Council, will be required. Additional design and infrastructure/service plans will be required by Council when application is made for approval for any such buildings.

Given under my hand at Adelaide, 7 September 2018.

Simone Fogarty, Presiding Member, State Commission Assessment Panel
APPENDIX 4

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

1 August 2019

DEVELOPMENT ACT 1993

SECTION 46 (4)

Preamble
1. On 31 March 2005 the then Minister for Urban Development and Planning, by notice in the Gazette, declared that Section 46 of the Development Act 1993 applied to a development for the purposes of establishing or operating a marina facility and waterfront residential land division, including kinds of development specified in Schedule 1 of that notice in the parts of the State listed in Schedule 2 of that notice.
2. Following the undertaking of an Environmental Impact Assessment process, the Governor granted a provisional development authorisation for the 'Mannum Waters' Residential Marina proposal by Tallwood Pty Ltd on 30 October 2008.
3. The Minister has decided to vary the declaration so as to include within the kinds of development specified in Schedule 1 'recreational and tourism development', following an application from Tallwood Pty Ltd who are proposing to utilise the land for this purpose.
4. It is considered necessary to vary the declaration to enable a proper assessment of the proposed development.

NOTICE

PURSUANT to section 46 (4) of the Development Act 1993, I vary the declaration referred to in Clause 1 of the Preamble by inserting after subparagraph (a) (vii) of Schedule 1 the following subparagraph:

(viii) recreational and tourism development.

Dated: 24 July 2019

STEPHAN KNOLL
Minister for Planning

CORRIGENDUM

In the Government Gazette of 25 July 2019, on page 3782, in the Development Act 1993 notice, the fourth paragraph under “Decision” sub-paragraph (c) declared;

(c) specify for the purposes of section 48 (1) (b) the date of 3 May 2021 as the date by which the conditioned Construction Environment Management Plan (CEMP) and Ongoing Environmental Management Plan (OEMP) work must be completed, along with the completion of the land forming for the jetty and tug harbour as well as completion of the jetty deck, and the date of 3 May 2024 as the date by which work must be commenced on site, failing which I may cancel this authorisation under section 48 (11).

This paragraph should have read as follows;

(c) specify for the purposes of section 48 (1) (b) the date of 3 May 2021 as the date by which the conditioned Construction Environment Management Plan (CEMP) and Ongoing Environmental Management Plan (OEMP) work must be completed, along with the completion of the land forming for the jetty and tug harbour as well as completion of the jetty deck, and the date of 3 May 2024 as the date by which work must be completed on site, failing which I may cancel this authorisation under section 48 (11).

Please replace accordingly.

Dated: 1 August 2019

STEPHAN KNOLL
Minister for Planning

DEVELOPMENT ACT 1993

SECTION 48

Decision by the Delegate of the State Commission Assessment Panel

Preamble
1. The decision of the Governor under Section 48 of the Development Act 1993, to approve the development of the solid waste landfill (Northward Fill Landfill Depot) at Inkerman, was published in the South Australian Government Gazette on 21 January 1999.
2. The proposal has been the subject of an Environmental Impact Statement and an Assessment Report under Section 46 and 46B of the Development Act 1993.
3. The development was the subject of further applications to amend the development authorisation, and associated amendments to the Environmental Impact Statement were made under Section 47 of the Development Act 1993.
4. Variations to the development authorisation were notified in the South Australian Government Gazette on 17 June 2004 at p 2191 (for an alteration to the method of waste transport and transfer to the disposal area, alteration of the maintenance workshop and removal of the long haul vehicle fuel storage area), 14 October 2004 at p 3847 (related to the landfill lining and leachate collection system), 13 April 2006 at p 1036 (related to the leachate collection system and a change to the operating hours), 20 September 2007 at p 3727 (for the receipt of additional waste materials), 5 June 2008 at p 1827 (related to the recycling of waste materials), 20 August 2009 at p 3676 (to allow the receipt of low level contaminated waste at the approved landfill and disposal of these wastes into cells that are separate from those used to dispose of solid wastes), 4 March 2010 at p 930 (for the receipt and disposal of non-metropolitan construction and demolition waste that is not required to go through a waste recovery and waste transfer facility; and an updated design of the liner system for low level contaminated waste cells), 8 December 2011 at 4802 (for a modification to the design of the existing maintenance shed) and 20 December 2018 (for an increase of the final landfill height).
5. On 15 February 2019, Cleanaway Waste Management Ltd, the company now having the benefit of the development authorisation, applied for a variation to the development authorisation comprising a modification of the final landfill profile design.
APPENDIX 6: MANNUM WATERS DEVELOPMENT

Water Park, Recreation and Tourism
See Appendix

Residential - Centre
See Appendix 8

Eastern Residential Development
See Appendix 7

Future Waterway
Completed Waterways
Future Wetlands
Completed Wetlands
Future Wetlands
Future Linear Wetland
Baseby Linear Wetland
Appendix 7: Eastern Residential Development – Zoning and Policy Areas

<table>
<thead>
<tr>
<th>Development Plan Zone</th>
<th>Development Plan Policy Area</th>
<th>Draft Planning and Design Code Zone and Subzones</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>Neighbourhood</td>
<td>Conservation Zone, Dwelling Subzone</td>
</tr>
<tr>
<td>Rural Zone</td>
<td></td>
<td>General Neighbourhood</td>
</tr>
</tbody>
</table>

Development Plan Zone

Development Plan Policy Area

Draft Planning and Design Code Zone and Subzones
Appendix 8: Central Development Residential and Commercial – Zoning and Policy Areas

- Development Plan Zone
- Development Plan Policy Area
- Draft Planning and Design Code Zone and Subzones

General Neighbourhood
Infrastructure (Ferry and Marina Facilities)
Appendix 9: Central Commercial Area – Proposed Change

Dwelling Lot 809
Undeveloped Site Lot 808
Undeveloped Site Lot 810

Infrastructure
(Ferry and Marina Facilities)

Two dwellings C40204 F1 & F2
Three dwellings Lot 807

Proposed Change to Zone Boundary

Proposed Amendment to General Neighbourhood Zone

Draft Planning and Design Code Zone

General Neighbourhood

Infrastructure
(Ferry and Marina Facilities)
This second Concept Master Plan for Mannum Waters also features a nature play space, public toilets, BBQ shelters, bench seats and open lawn. This option focuses on providing improved amenity to visitors along the site, and includes a nature play space. The project also embraces water sensitive landscape design, featuring a bioretention swale between the two trailer parking areas.

This play space option has also been designed to optimize the existing slope of the site and features a mounded slide, a boat play feature, cubby house, swings as well as nature play elements constructed from materials sourced from the site. This option does not include a shelter within the play space, allowing more space to be dedicated to play features. Garden beds and a boundary fence also surround the play space, isolating the space from the surrounding roads and car parks, making it safe for children of all ages.
The first Concept Master Plan for Mannum Waters features a nature play space, public toilets, BBQ shelters, bench seats and open lawns. The landscape throughout the precinct has been designed to complement the surrounding buildings by maximizing views and improving connectivity between the land and the waterfront.

The play space has been designed to optimize the existing slope of the site and features a mounded slide, log climbing structure, flying fox and numerous other nature play elements constructed from materials sourced from the site. An additional shelter has also been included within the play space. Garden beds and a boundary fence also surround the play space, isolating the space from the surrounding roads and car parks, making it safe for children of all ages.
Michael Lamey & Braiden Sanders

Project: Mannum Waters Holiday Park

Date: 09/02/2020

Building Design

Client: David Potter

Drawing: Concept Plan

1:1000 @ A3

KEY
1 | Reception
2 | Recreation Hall
3 | Amenities & Laundry
4 | Camp Kitchens
5 | Open-air Classrooms
6 | Fire-pit
7 | Powered Campsites
8 | Water play
9 | Shelters
10 | Boat Ramp
11 | Boat Trailer Park
12 | Boat and Caravan Storage
13 | Fishing Jetty
14 | Hire-craft Dock
15 | Canoe Launcher
16 | Swimming Deck
17 | Private Cabins
18 | Communal Cabins
19 | Ensuite Powered Sites
20 | Powered Sites
21 | Play Equipment and Jumping Balloon
Figure 3 – Water Park Proposed Layout
The revised development Plan which includes the Holiday Village and Water Park is shown below:

Figure 4 - Revised Development Plan
ATTACHMENT 1
Proposed Water Park Concept Plan